

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JACOB ROSNER,

Defendant.

19-CR-497 (04) (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On June 3, 2021, the Court held an in-person hearing pursuant to *Faretta v. California*, 422 U.S. 806 (1975), for Defendant Jacob Rosner, who was present with counsel Alan Lewis. As explained below, the Court grants Mr. Rosner’s request to waive his right to counsel and represent himself pro se and will shortly appoint “standby” counsel.

The Sixth Amendment guarantees a criminal defendant the right to self-representation. *Id.* at 818-21. For a defendant to exercise his constitutional right to proceed pro se and waive counsel, the trial court must determine that the defendant is competent and that the waiver is made voluntarily, as well as “knowingly and intelligently.” *Id.* at 835, 836 (citation omitted); see *United States v. Culbertson*, 670 F.3d 183, 193 (2d Cir. 2012); *United States v. Fore*, 169 F.3d 104, 108 (2d Cir. 1999).

During the *Faretta* hearing, the Court observed Mr. Rosner’s behavior, demeanor, and history; verified that—though his primary language is Yiddish and he has no formal English or secular education—he is able to understand spoken English, read English, and write in English with assistance, and he understands the charges against him. The Court also explained to

Defendant and confirmed his understanding of his right to counsel and the ramifications of waiving that right to represent himself in this matter.

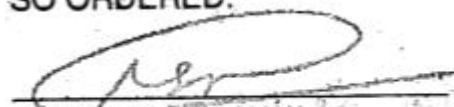
The Court determines that the Defendant Jacob Rosner (1) understands the nature of the proceedings and has the ability to consult with counsel and assist counsel in preparing a defense and is therefore competent to stand trial; (2) understands that he has the right to an attorney throughout these proceedings, (3) has the mental capacity to conduct trial proceedings by himself and put on his own defense at trial is therefore competent to waive his right to counsel, and (4) clearly and unequivocally waives his right to counsel knowingly, intelligently, voluntarily, and unequivocally.

Accordingly, the Court grants Mr. Jacob Rosner's request to proceed pro se, that is, to represent himself in this criminal case from this day on. The Court reiterates to Mr. Jacob Rosner that as he represents himself, he is required to comport with courtroom protocols and procedure, including the Federal Rules of Criminal Procedure and the Federal Rules of Evidence.

Standby Counsel will be appointed shortly. The Court hereby authorizes the use of CJA funds to procure a laptop for Mr. Jacob Rosner, consistent with the devices procured by standby counsel for pro se Defendants Helbrans (01), M. Rosner (02), M. M. Malka (05), and M. Malka (09). (*See* ECF No. 245.) Once appointed, Standby Counsel for Mr. Rosner shall confer with the Standby Counsel for the other pro se Defendants and the Government to ensure that a laptop is procured for Mr. Jacob Rosner and delivered to him as expeditiously as possible.

Mr. Lewis is directed to mail a copy of this order to Mr. Jacob Rosner and file proof of service on the docket.

Dated: June 4, 2021
White Plains, New York

SO ORDERED:

HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE